

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION.

CIVIL APPLICATION NO.3019 OF 2003

IN

FIRST APPEAL NO.786 OF 1994.

The State of Maharashtra : Appellants.

versus

Thamba Balya Mhatre since
deceased through his LRs.

a. Smt.Devki Thamba Mhatre
since deceased through her LRs.

Smt.Lilabai Tulshiram Naik & ors.: Respondents.

Mr.S.N.Gawade, AGP, for the State.

Mr.Hairanandani i/by C.G.Gavnekar for the
respondents.

CORAM : D.G.DESHPANDE, J.

DATED : 27th APRIL 2005.

ORAL ORDER

1. This is an application filed by the State
for brining the Legal Heirs of original

respondent No.a on record. The application is opposed by the proposed legal representatives on the ground that there is inordinate delay of two years and three months and, there is no satisfactory explanation.

2. In fact it was for the respondent or his advocate to bring it to the notice of the State that original respondent is dead. They did not inform and the State of its own accord has filed this application after ascertaining as to who are the legal heirs of the deceased respondent. No fault can be found. Therefore, the delay that occurred in filing the application is required to be condoned and it is condoned. Hence the application is allowed. Appeal should be amended within four weeks from today. Amended copy to be served upon the respondents' advocate within two weeks thereafter.

[D.G.DESHPANDE]

27/04/2005

JUDGE.